Making the medical facilities a fundamental right

4113. SHRI LAJPAT RAI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government propose to make medical facilities for the people a fundamental right of the people on the lines of elementary education;

(b) if so, by when the necessary legislation in this regard is likely to be brought forward; and

(c) the other details in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI A. RAJA): (a) No, Sir.

(b) Question does not arise.

(c) Health is an ingredient of the most fundamental of all rights, the right to life. Though the Constitution of India does not declare health as a fundamental right, obligation of the State to ensure health for all the citizens is an important aspect of good governance. India is a signatory to the Alma Ata declaration of 1978 of "Health for All" which is the overall aim of the Health Policy of the country. The Health Policy envisages access to health care services, particularly for the poor and disadvantaged. In order to improve the public health care facilities, a comprehensive network of health care infrastructure has been established throughout the country to provide preventive, promotive and curative health care in India. To fill the critical gaps, Government has been making every effort to augment the resources for the health sector by mobilizing external assistance from various bilateral and multilateral agencies for supporting various National Health Programme for control of diseases like Malaria, Leprosy, TB, Blindness, AIDS and reproductive and child health programmes.

Secondary health facilities *i.e.* first line referrals (Community Health Centre upwards to District Hospitals) are being upgraded in 7 selected States with World Bank assistance. It is also proposed to extend this project to other States in a phased manner.

The aggregate expenditure in the health sector is 5.2% of GDP, of which about 0.9% is from the public sector. The provision of health services to the citizens of the country is contingent upon availability of resources. Given the paucity of finance, it is not possible at this stage to consider inclusion of provision of medical facilities as a fundamental right under the Constitution.